

House Bill 103

By: Representatives Belton of the 112th, Dickerson of the 113th, Tanner of the 9th, Williams of the 119th, Peake of the 141st, and others

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order, so as to prohibit any person from causing a minor to be identified as the individual in an obscene depiction; to provide for definitions; to provide for venue; to provide for exceptions; to provide for penalties; to provide for a short title; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as "Kelsey's Law."

SECTION 2.

Article 2 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public order, is amended by adding a new Code section to read as follows:

"16-11-40.1.

(a) As used in this Code section, the term:

(1) 'Minor' means an individual who is under the age of 18 years.

(2) 'Nudity' shall have the same meaning as set forth in Code Section 16-11-90.

(3) 'Obscene depiction' means a visual depiction of an individual displaying nudity.

(b) No person shall intentionally cause a minor to be identified as the individual in an obscene depiction in such a manner that a reasonable person would conclude that the image depicted was that of such minor. Such identification shall include, without limitation, the minor's name, address, telephone number, or e-mail address. Such identification shall also include the electronic imposing of the facial image of a minor onto an obscene depiction.

(c) Any person convicted of violating this Code section shall be guilty of a misdemeanor.

(d) A person shall be subject to prosecution in this state pursuant to Code Section 17-2-1 for any conduct made unlawful by this Code section which the person engages in while:

- 25 (1) Either within or outside of this state if, by such conduct, the person commits a
26 violation of this Code section which involves an individual who resides in this state; or
27 (2) Within this state if, by such conduct, the person commits a violation of this Code
28 section which involves an individual who resides within or outside this state.
29 (e) The provisions of subsection (b) of this Code section shall not apply to:
30 (1) The activities of law enforcement and prosecution agencies in the investigation and
31 prosecution of criminal offenses; or
32 (2) The image and identification is made pursuant to or in anticipation of a civil action.
33 (f) Any violation of this Code section shall constitute a separate offense and shall not
34 merge with any other crimes set forth in this title."

35 **SECTION 3.**

36 All laws and parts of laws in conflict with this Act are repealed.